

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, in the Preliminary Amendment filed August 15, 2007, certain amendments were made on pages 25, 26 and 28. It has been determined that these amendments should not have been made, i.e. the original disclosures on these pages were correct. Accordingly, pages 25, 26 and 28 have now been amended to put them back into their original disclosures.

Claims 7 and 8 have been amended, in response to the rejection of claims 1-8 under the second paragraph of 35 U.S.C. §112, to depend from claim 6, rendering the rejection moot.

Referring to the last two paragraphs on page 2 of the Office Action, concerning an interference and a certified English translation of the foreign application, the Examiner informed Applicant's attorney, during a telephone discussion on September 13, 2007, that there is no interference, and that the last two paragraphs on page 2 of the Office Action should not have been included in the Office Action.

The rejection of claims 1-12 under 35 U.S.C. §102(b) as being anticipated by Matsubara et al. is respectfully traversed.

The Matsubara et al. reference was published (online) May 17, 2004, as apparent from the attached copy of InterScience. This publication date is between the filing dates of Applicant's two Japanese priority applications. A verified English translation of the first priority application (JP 2004-016408) is submitted herewith. It is expected that the PTO has received copies of both priority applications from WIPO, and in this regard, attention is directed to the Request for Acknowledgment of Receipt of Priority Documents submitted concurrently herewith.

The first Japanese priority application does not fully support the subject matter of the present claims. For example, this priority document discloses that the reaction is performed in the presence of a chiral copper catalyst, whereas the present claims use a chiral catalyst comprising copper or nickel. But as apparent from the rejection set forth by the Examiner, the Matsubara et al. reference discloses a copper catalyst. It is

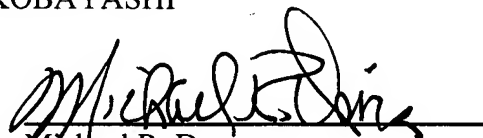
Applicant's position that the first Japanese priority application discloses as much of the presently claimed invention as disclosed in the reference.

In addition, one of the coauthors named in the reference is Shu Kobayashi, who is also named as the inventor in the present application. Applicant's attorney is attempting to confirm whether or not the two other coauthors named in the reference actually contributed to the invention described in the reference. If the other coauthors did not contribute to such invention, it is expected that a Declaration to this effect will be submitted for the Examiner's consideration, thus removing the reference as prior art against the present invention.

Respectfully submitted,

Shu KOBAYASHI

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

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